

STREET ADDRESS:

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P.O. Box 1049
Columbus, OH 43216-1049

September 12, 1996

Re: Dayton Electroplate, Inc.
OHD004278628
Montgomery County

Jason El-Zein, Chief
Response Section 1
U.S. EPA, Region V
9311 Groh Road
Grosse Ile, Michigan 48138-1697

EPA Region 5 Records Ctr.



253907

Dear Mr. El-Zein:

During a recent inspection of the above referenced facility, Ohio EPA determined that the site poses an imminent and substantial endangerment to both the local population and the environment. Due to the circumstances described below, I hereby request that U.S. EPA conduct an emergency removal action as soon as feasible for your office.

On or about April 12, 1996, Dayton Electroplate filed for Chapter 7 bankruptcy protection, and soon thereafter ceased operations at the site. Upon discovery that Dayton Electroplate (and its owner, Charles Borum) had ceased operations, on August 28, 1996, representatives from Ohio EPA and the Ohio Attorney General's Office visited the site to evaluate it's status and to determine what measures were necessary to minimize risks posed to the surrounding homes, businesses, and the public at large.

The bankruptcy court-appointed trustee provided access to the locked facility. Upon entering the plating area, Agency personnel observed acid vapor collecting near the ceiling and noted a strong acidic odor permeating the building. Investigators immediately vacated the building, and therefore obtained only a cursory overview of the facility's present condition. We do know that the main plating line is relatively large and process tanks appeared full and in poor condition. Investigators did not have the opportunity to determine the exact chemical nature of the tanks' contents, but the facility's inspector is familiar with the types of chemicals and processes utilized (acids, caustics, cyanide bath, etc.).

Many unknown drums of questionable integrity are scattered throughout the interior. Water is standing in floor drains and channels. Approximately 30 unopened drums of chemicals are staged near the process line, and appear to be unused and potentially salvageable product. To the best of the Agency's knowledge, Borum stored the majority of ignitable chemicals and wastes in a second warehouse on site, apart from the plating lines. Again, due to the aborted investigation we could not confirm the presence of any ignitable substances in the plating warehouse.

Due to the acidic atmosphere in the building, and upon initial determination that the facility warranted referral to your office for emergency action, Agency investigators chose not to re

George V. Voinovich, Governor
Nancy P. Hollister, Lt. Governor
Donald R. Schregardus, Director

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enter the building in protective gear at that time. The trustee then locked the door and to our knowledge it's remained locked since.

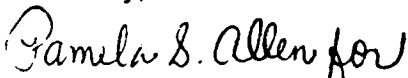
By way of background, Ohio EPA and U.S. EPA have a long enforcement history with Dayton Electroplate and its owner, Charles Borum, beginning with an inspection in 1988 and including:

- 1) March 17, 1995 Consent Agreement and Final Order (Docket No. V-W-014-94), federal order for LDR violations and associated civil penalty;
- 2) May 4, 1995 Consent Order (Montgomery County Court of Common Pleas, Case No. 94-0518, State of Ohio, ex rel. Attorney General of Ohio vs. Dayton Electroplate, Inc. Et al.), orders for closure and civil penalty for illegal storage etc.; and
- 3) February 29, 1996 Judgement Entry (Montgomery County Court of Common Pleas, Case No. 94-0518, State of Ohio, ex rel., Betty D. Montgomery Attorney General of Ohio vs. Dayton Electroplate, Inc. and Charles Borum), orders for closure and civil penalty. Dayton Electroplate and Mr. Borum are now in contempt of both state orders for failure to close the facility.

I understand that Dave Combs of Ohio EPA Southwest District Office's Special Investigation Unit contacted your OSC at nearby Green Industries and advised him of this situation in nearby Dayton. Mr. Combs advised the OSC to contact the Attorney General's Office and bankruptcy trustee to gain access to the facility if he'd like to do an initial assessment. This visit has not taken place to date.

My staff has discussed this matter with Kevin Clouse and he is aware of the circumstances of this request and agrees with this course of action. Thank you for your time and continued consideration in this matter. If you have any related questions or concerns, please contact **Elisabeth Rothschild** from Ohio EPA's Southwest District Office at (513) 285-6080, or **John Schierberl** of my staff at (614) 644-2955.

Sincerely,



Michael A. Savage, Assistant Chief
Division of Hazardous Waste Management

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Attachments

cc w/o attachments: John Schierberl, CAS, DHWM
Elisabeth Rothschild, DHWM, SWDO
Lori Massey, AGO